



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1079

Introduced 02/08/05, by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-803.5 new

Amends the Code of Civil Procedure. Provides privilege protection against being compelled to disclose, in any court, administrative board, or agency proceeding, any conversation between a union agent and a bargaining unit member regarding information that the union agent may have acquired in attending to his or her professional duties or while acting in his or her representative capacity. Provides for exceptions to the privilege. Provides that, in the event of a conflict between the application of the privilege and any federal or State labor law, the provisions of the federal or State labor law shall control.

LRB094 06722 LCB 36821 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by adding
5 Section 8-803.5 as follows:

6 (735 ILCS 5/8-803.5 new)

7 Sec. 8-803.5. Union agent and union member.

8 (a) Except when required in subsection (b) of this Section,
9 a union agent, during the agency or representative relationship
10 or after termination of the agency or representative
11 relationship with the bargaining unit member, shall not be
12 compelled to disclose, in any court or to any administrative
13 board or agency proceeding, whether civil or criminal, any
14 information he or she may have acquired in attending to his or
15 her professional duties or while acting in his or her
16 representative capacity.

17 (b) A union agent may use or reveal information obtained
18 during the course of fulfilling his or her professional
19 representative duties:

20 (1) to the extent it appears necessary to prevent the
21 commission of a crime codified in federal or State law;

22 (2) in actions, civil or criminal, against the union
23 agent in his or her personal or official representative
24 capacity, or against the local or international union or
25 any agent thereof in their personal or official
26 representative capacities;

27 (3) when required by court order; or

28 (4) when, after full disclosure has been provided, the
29 expressed and written consent of the bargaining unit member
30 has been obtained.

31 (c) In the event of a conflict between the application of
32 this Section and any federal or State labor law to a specific

1 situation, the provisions of the federal or State labor law
2 shall control.